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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BRIDGETTE REBECCA SYKES,

**Plaintiff,**

V.

KILOLO KIJAKAZI,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY<sup>1</sup>.

**Defendant.**

No. 1:20-cv-00268-SKO

**STIPULATION AND ORDER FOR  
AWARD AND PAYMENT OF  
ATTORNEYS FEES PURSUANT TO THE  
EQUAL ACCESS TO JUSTICE ACT (28  
U.S.C. §2412(d))**

(Doc. 21)

<sup>1</sup> Pursuant to Fed. R. Civ. Pro. 25(d)(1) and 42. U.S.C. §405(g), Kilolo Kijakazi, Acting Commissioner of Social Security, is hereby substituted as the defendant in the above-captioned action.

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
2 attorneys, subject to the approval of the Court, that Bridgette Rebecca Sykes (“Plaintiff”) be  
3 awarded attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in  
4 the amount of eight thousand four hundred and eighty-three dollars (\$8,483). This represents  
5 compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this  
6 civil action, in accordance with 28 U.S.C. §2412 (d).

7 After the Court issues an Order for EAJA fees to Plaintiff, the government will consider  
8 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v.*  
9 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the  
10 attorney fees are subject to any offset allowed under the United States Department of the  
11 Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will  
12 determine whether they are subject to any offset.

13 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
14 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the  
15 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively  
16 “Plaintiff’s counsel”), pursuant to the assignment executed by Plaintiff. Any and all payments  
17 made shall be delivered to Plaintiff’s counsel.

18 This stipulation constitutes a compromise settlement of Plaintiff’s request for EAJA  
19 attorney fees and does not constitute an admission of liability on the part of Defendant under  
20 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any  
21 and all claims that Plaintiff and/or Plaintiff’s counsel may have relating to EAJA attorney fees  
22 and expenses in connection with this action.

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1           This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
2 Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

3  
4           Dated: August 30, 2021

Respectfully submitted,

5  
6           NEWEL LAW

7           By: Melissa Newel

8           Melissa Newel  
9           Attorney for Plaintiff  
10          BRIDGETTE REBECCA SYKES

11          Dated: August 30, 2021

12          PHILLIP A. TALBERT  
13          Acting United States Attorney  
14          DEBORAH LEE STACHEL  
15          Regional Chief Counsel, Region IX  
16          Social Security Administration

17          By: Caspar Chan\*

18          CASPAR CHAN  
19          (\*Authorized by email dated 08/30/2021)  
20          Special Assistant U.S. Attorney  
21          Attorneys for Defendant

## ORDER

22          Based upon the parties' above "Stipulation for Award and Payment of Attorneys Fees  
23          Pursuant to the Equal Access to Justice Act (28 U.S.C. §2412(d))" (the "Stipulation") (Doc. 21),  
24          IT IS HEREBY ORDERED that attorney fees in the amount of **eight thousand four hundred and**  
25          **eighty-three dollars (\$8,483)** be awarded subject to the terms of the Stipulation.

26          IT IS SO ORDERED.

27          Dated: August 31, 2021

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29          /s/ Sheila K. Oberto  
30          UNITED STATES MAGISTRATE JUDGE